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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,248	12/03/2001	Brian C. Barnes	2000.056500	7937
23720	7590	04/14/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			LEMMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/005,248	Applicant(s) BARNES ET AL.	
	Examiner Samson B Lemma	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date <u>4</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input checked="" type="checkbox"/> Other: <u>STATUS LETTER 3/7/05</u></p> |
|--|--|

***DETAILED ACTION***

1. **Claims 1-24** have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-24** are rejected under 35 U.S.C. 102(b) as being anticipated by **Richard P. Draves** (hereinafter referred as **Draves**) (U.S. Patent No 5,802,590)

4. **As per claim 9 Draves discloses an apparatus, comprising:**

- **A processor** [Figure 2, ref. Num “250”] **for running code thereon**, [Column 1, lines 13-14; column 4, lines 16-17] and
- **For associating a first security identification (ID) with each of a plurality of instructions or a set of instructions that are to be executed by the processor;** [Figure 3, ref. “handle/key”] (As shown on figure 3, for each multiplicity/plurality of processes a handle/key pair is associated.)

**Wherein**

- **The processor receives** [column 3, lines 63-65; The OS kernel is inherently operates in the processor] **a request to execute at least one of the**

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**plurality of instructions or set of instructions by the code running thereon, obtains a second security ID [figure 1, ref. Num "110/120"] associated with the code, [column 3, lines 63-64]**

- **Compares the second security ID with the first security ID, and executes the requested instruction or set of instructions providing that the second security ID matches the first security ID. [column 3, lines 64-67; figure 8, ref. Num "830" and column 4, lines 8-10]** (When a matching key is found, the kernel allows the process to access/executes the requested instruction or set of instructions /resource/program as explained on column 4, lines 8-10)

5. **As per claim 1**, Claim 1 recites the method version of the independent claim 9 and likewise rejected by the same analogy/ground as that of claim 9.

6. **As per claim 17**, Claim 17 recites the same limitations as that of the independent claim 9 and therefore rejected by the same analogy/ground as that of claim 9.

7. **As per claims 2, 10 and 18**, **Draves** discloses the method/apparatus/article as applied to claims 1, 9 and 17 above. Furthermore, **Draves** discloses the method/apparatus/article comprising denying the execution of the requested instruction or set of instructions providing that the first and second security IDs mismatch. [Column 4, lines 5-8; figure 8, ref. Num "830"]

8. **As per claims 3, 11 and 19**, **Draves** discloses the method/apparatus/article as applied to claims 1, 9 and 17 above. Furthermore, **Draves** discloses the method/apparatus/article wherein associating a first security identification (ID) further comprises: storing a first security identification (ID) with each of a plurality of

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instructions or a set of instructions that are to be executed by a processor.[Column 3, lines 59-62] (The stored resource contains a copy of the key meets the recitation of this claim.)

9. **As per claims 7, 15 and 23, Draves** discloses the method/apparatus/article as applied to claims 1, 9 and 17 above. Furthermore, **Draves** discloses the method/apparatus/article wherein comparing the second security ID with the first security ID further comprises: comparing a portion of the second security ID with a portion of the first security ID.[Column 4, lines 8-10] ( A process access for executing the requested instruction or set of instructions or a program or in general accessing the resource is allowed when a match is found by comparing all portions of the first and second identification)

10. **As per claims 8, 16 and 24, Draves** discloses the method/apparatus/article as applied to claims 7, 15 and 23 above. Furthermore, **Draves** discloses the method/apparatus/article wherein executing the requested instruction or set of instructions providing that the second security ID matches the first security ID further comprises:

- Executing the requested instruction or set of instructions providing that the portion of the second security ID matches the portion of the first security ID. [Column 4, lines 8-10] ( A process access for executing the requested instruction or set of instructions or a program or in general accessing the resource is allowed when a match is found by comparing all portions of the first and second identification)

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 4-6, 12-14 and 20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Richard P. Draves** (hereinafter referred as **Draves**) (U.S. Patent No 5,802, 590) in view of **Krueger et al**, (hereinafter referred to as **Krueger**) (U.S. Patent No. 4,962,533)

13. **As per claims 4-6, 12-14 and 20-22, Draves discloses**

- **A processor** [Figure 2, ref. Num "250"] **for running code thereon**, [Column 1, lines 13-14; column 4, lines 16-17] and **for associating a first security identification (ID) with each of a plurality of instructions or a set of instructions that are to be executed by the processor**; [Figure 3, ref. "handle/key"] (As shown on figure 3, for each multiplicity/plurality of processes a handle/key pair is associated.)

**Draves** does not explicitly discloses

- A first security identification (ID) further comprises:

Classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive;

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And associating a first security identification (ID) with each of the instructions or set of instructions that are classified as security sensitive.

However, in the same field of endeavor, **Krueger** discloses

Classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive and associating a first security identification (ID) with each of the instructions or set of instructions that are classified as security sensitive;[Column 2, lines 43-46; abstract and ] (computer system uses security labels for every word in memory and according to the present invention, in a computer system every word in the memory has a corresponding label/security identification. This label indicates the security classification, and compartments if any, of that word of data)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of having a classification for one instructions/program and associating security identification/label with each instructions or set of instructions as per teachings of **Krueger** in to the method as taught by **Draves**, in order provide a security technique for a computer system in which data retains its classification with a straightforward and reliable mechanism for separating sensitive and non-sensitive data within the system.[see **Krueger** column 2, lines 19-21 and 39-41]

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-

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272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

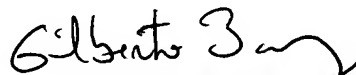
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.

03/30/2005



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